

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FEDERAL TRADE COMMISSION,

Plaintiff,

Case No. 20-CV-04432-LAK

-against-

**[PROPOSED]
ORDER TO SHOW CAUSE
WITH REQUEST FOR STAY**

RCG ADVANCES, LLC, RAM CAPITAL
FUNDING, LLC, ROBERT L. GIARDINA,
JONATHAN BRAUN, and TZVI REICH,

Defendants.

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Upon the Declaration of Irwin Wertz, dated July 18, 2022, and the accompanying exhibit thereto; the Declaration of Steven Baldassarra, dated July 18, 2022, and the accompanying exhibits thereto; the accompanying Memorandum of Law in support; and upon all papers filed and proceedings had herein, it is hereby:

ORDERED, that Defendants RCG Advances, LLC and Robert L. Giardina (collectively, the “RCG Defendants”) show cause before a motion term of this Court, at Room _____, United States Courthouse, 500 Pearl Street, in the City, County, and State of New York, on _____, 2022, at ___ o’clock in the _____ noon thereof, or as soon thereafter as counsel can be heard why this Court should not enter an Order: (i) pursuant to Rule 24(a) or 24(b) of the Federal Rules of Civil Procedure, permitting proposed intervenors Broad Street Global Fund SCSp, Broad Street GP II S.’ar.l., CJS Technology Select Management LLC, CJS Technology Select Fund LLC, and CJS Financial Corp. (collectively, the “Broad Street Intervenors”) to intervene in this action (the “Motion to Intervene”) for the limited purpose of seeking a vacatur (the “Intervenors’ Claim”) of the Order Directing Liquidation and Transfer of Certain Assets to Effectuate Final Order, entered

on July 11, 2022 (ECF No. 138) (the “Liquidation Order”); and (ii) pursuant to the Court’s inherent powers, vacating the Liquidation Order; and it is further

ORDERED, that sufficient reason having been shown therefor, pursuant to the Court’s inherent powers, that pending the hearing and final disposition of the Motion to Intervene and the Intervenor’s Claim any enforcement efforts and any actions or performance in connection with the Liquidation Order shall be and hereby are stayed; and it is further

ORDERED, that service of a copy of this Order, along with copies of the papers in support thereof, shall be made by e-mail delivery to counsel of record for the RCG Defendants on or before July __, 2022, and shall be deemed good and sufficient service thereof; and it is further

ORDERED, that the RCG Defendants’ answering papers (if any) be filed with this Court on or before _____, and that the Broad Street Intervenor’s reply papers (if any) be filed with this Court on or before _____.

Dated: _____

Issued: _____

United States District Judge